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15 **UNITED STATES DISTRICT COURT**
16 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
17

18 BUDDY WEBSTER p/k/a BUDDY
19 BLAZE,

20 Plaintiff,

21 v.

22 DEAN GUITARS; ARMADILLO
ENTERPRISES, INC.; ARMADILLO
23 DISTRIBUTION ENTERPRISES,
INC.; ESTATE OF DIMEBAG
24 DARRELL ABBOTT, an unknown
entity; and DOES 1-10 inclusive,

25 Defendants.
26
27
28

Case No. 2:17-cv-03027-JFW-MRW

**JOINT STATEMENT RE: LOCAL
RULE 7-3 CONFERENCE FOR
MOTION TO TRANSFER**

Judge: Hon. John F. Walter

1 Plaintiff Buddy Webster p/k/a Buddy Blaze (“Plaintiff”) and Defendants
 2 Dean Guitars, Armadillo Enterprises, Inc., Armadillo Distribution Enterprises, Inc.
 3 (collectively, the “Armadillo Defendants”) and the Estate of Dimebag Darrell
 4 Abbott (the “Estate”) (collectively, “Defendants”) submit the following joint
 5 statement pursuant to Local Rule 7-3 and the Court’s Standing Order (ECF # 9):

6 Plaintiff filed a Complaint against the Armadillo Defendants and the Estate,
 7 alleging copyright infringement and seeking monetary damages and an injunction,
 8 on April 21, 2017. (ECF # 1.)

9 Plaintiff served the Complaint on the Armadillo Defendants on May 11, 2017.

10 On Thursday, June 15, 2017, at 3:00 PM PST, counsel for the Armadillo
 11 Defendants and the Estate participated in a Local Rule 7-3 telephonic meet-and-
 12 confer with Plaintiff’s counsel.

13 Alan Weil (lead counsel), Doug Rettew, Anna Naydonov, and Joshua
 14 Sussman participated in the meet-and-confer for the Armadillo Defendants and the
 15 Estate.

16 Eric Bjorgum participated in the meet-and-confer for Plaintiff.

17 The telephonic meet-and-confer lasted approximately 30 minutes.

18 Counsel for Defendants informed Plaintiff’s counsel that Defendants intend to
 19 file a motion to transfer the case to the United States District Court for the Middle
 20 District of Florida, Tampa Division on in accord with 28 U.S.C. § 1404(a) because:

- 21 • None of the current parties are domiciled or incorporated in California.
- 22 • The Armadillo Defendants reside in the Middle District of Florida,
- 23 which is where all of their offices, operations, witnesses, documents,
- 24 and materials are located.
- 25 • Plaintiff resides in Grand Prairie, Texas, which is closer to the Middle
- 26 District of Florida than this District.
- 27 • The Estate is also located in Texas, not this District. Plaintiff stated its
- 28 belief that the Estate is administered by Jerry Abbott (a resident of

1 Tennessee) and Vinnie Paul Abbott (who purports to be a part-time
2 resident of Las Vegas). Plaintiff also believes that significant licensing
3 activity for the Estate is handled by decedent's common law wife, who
4 resides in the Los Angeles area, and the Estate is managed by a
5 company based in New Jersey (with whom Plaintiff exchanged emails
6 in an attempt to avoid filing this case). Defendants' counsel explained
7 to Plaintiff's counsel that the Estate's *sole* administrator—Vincent Paul
8 Abbott—resides in Texas and that none of the Estate's administrators,
9 managers, and/or employees reside in California. Regarding
10 “decedent's common law wife,” Plaintiff may be referring to Dimebag
11 Darrell Abbott's former girlfriend Rita Haney, who, upon information
12 and belief, may reside in California. But Ms. Haney is not Dimebag
13 Darrell Abbott's widow, is not an officer/administrator of the Estate,
14 and does not participate in managing the Estate. The Estate's manager
15 resides in New Jersey, and litigating this case in the Middle District of
16 Florida is more convenient for her than in California.

17 Plaintiff's counsel stated that Plaintiff would oppose transferring the case to
18 the Middle District of Florida.

19 Plaintiff's counsel also stated that it will be filing a motion or seeking a
20 stipulation to bring Guitar Center, Inc. into this matter. According to Plaintiff's
21 counsel, Guitar Center is located in California and has sold the purportedly
22 infringing guitars. On June 19, 2017, Plaintiff's counsel also informed Defendants
23 of its intent to bring Guitar Center's related online store MusiciansFriend.com as a
24 party. According to Plaintiff, these two third parties are based in Westlake Village,
25 California; Guitar Center, Inc. is the largest retailer of music equipment in the
26 United States. Defendants did not say whether they would stipulate to amending the
27 Complaint, but if a Rule 12 motion to transfer is filed, Plaintiff will contend that it
28 has an absolute right to amend its complaint and add parties in response. Plaintiff's

1 counsel also stated that he intends to call certain third-party witnesses in the case
 2 and would send Defendants' counsel the list of witnesses (and their locations).
 3 Defendants have not received the third-party witness list from Plaintiff's counsel.
 4 Plaintiff's counsel will be making that list available on June 19, 2017.

5 Regardless, Defendants intend to proceed with a motion to transfer because
 6 Defendants contend that all the main witnesses and documents pertaining to the
 7 alleged infringement are located in the Middle District of Florida.

8 In addition to discussing the motion to transfer, the Armadillo Defendants'
 9 counsel informed Plaintiff's counsel that they are representing the Estate and will
 10 accept service on the Estate's behalf. The Parties agreed that June 15, 2017 will be
 11 the effective date of service on the Estate.

12 Given the forthcoming motion to transfer, the Parties agreed to file a joint
 13 stipulation asking the Court to extend the Answer deadline for all Defendants until
 14 fourteen (14) days after the Court rules on the motion to transfer. Moreover, the
 15 Parties will request that the deadline for the Joint Report under Fed. R. Civ. P. 26(f)
 16 (which is currently due on July 31, 2017) be extended to fourteen (14) days after the
 17 new Answer deadline, and the Scheduling Conference (currently set for August 14,
 18 2017) be set fourteen (14) days after the new deadline for the Joint Report under
 19 Rule 26(f). The Parties will submit a joint stipulation for an extension once the
 20 motion for transfer is filed.

21 DATED: June 19, 2017

KARISH & BJORGUM, PC

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23
24 By: /s/ Eric Bjorgum

Eric Bjorgum

*Attorney for Buddy Webster p/k/a Buddy
Blaze*

1 DATED: June 19, 2017

KENDALL BRILL & KELLY LLP

2
3
4 By: /s/ Alan Jay Weil

5 Alan Jay Weil

6 Joshua W. Sussman

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12 *(pro hac vice applications forthcoming)*

13 *Attorneys for Defendants*